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IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR DAVIS COUNTY, STATE OF UTAH, FARMINGTON DEPARTMENT

In the matter of the marriage of: **LAUREN R. MARSH**, and **KIRK RUSSEL MARSH**.	**DECLARATION OF MICKALA MAHAFFEY RE RETURN OF SERVICE** Civil No.: 184701031 Commissioner: Christina Wilson Judge: Michael Edwards

I, Mickala Mahaffey, declare and state as follows:

1. I am an associate attorney and work with Kristy Hanson, counsel for Petitioner Lauren Marsh, at the firm MacArthur, Heder & Metler, PLLC.
2. Respondent, Kirk Russel Marsh, primarily resides in Fairfax, Virginia. However, he frequently spends time in Utah to exercise parent-time with the parties' minor children. Specifically, upon information and belief, Petitioner, Lauren Zimmer (FKA Marsh) knew Respondent to be in the state of Utah on December 28, 2024 to return their minor children after the end of his winter break parent-time. Respondent was temporarily staying at his cousin, Jared Kulbeth's house located at 1158 E 700 S Provo, UT 84606.

3. On December 28, 2024, Constable Fernlund served Respondent's cousin, "Jared" who only provided a first name with the following documents:

a. Order to Attend Hearing
b. Motion to Enforce Order and for Sanctions
c. Declaration of Lauren Marsh Zimmer in Support of Motion to Enforce Order and for Sanctions
d. Rule 1006 Summary of Exhibits for Declaration of Lauren Marsh Zimmer in Support of Motion to Enforce
e. Exhibits 1-18
f. Letter Requesting Mediation

4. Constable Fernlund noted that Jared answered the door, stated that he was not Kirk Russel Marsh. When pressed Jared made a couple phone calls in Constable Fernlund's presence and then stated he would accept service. ***See Proof of Service, Exhibit 1.***

5. On December 31, 2024, Respondent emailed our office stating "I received your request for mediation…" ***See email from Respondent, Exhibit 2.*** Respondent has indicated that he is in receipt of the documents served by Constable Fernlund.

6. While we believe that Respondent has been properly served, we understand the consequences and sanctions associated with a Motion to Enforce. Therefore, in an abundance of caution, the documents were also provided to Respondent on January 13, 2025 via the email address he used to contact our office on December 31, 2024. ***See email to Respondent, Exhibit 3.***

7. Therefore, service of these documents is now complete.

DATED and signed this 13th day of January, 2025.

/s/ *Mickala Mahaffey*
MICKALA MAHAFFEY

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the law firm of MacArthur, Heder & Metler, PLLC, 4844 North 300 West, Provo, Utah 84604, and that in said capacity and pursuant to Rule 5(b), Utah Rules of Civil Procedure, a true and correct copy of the foregoing document was served upon the following on this 13th day of January, 2025:

PARTY	METHOD OF SERVICE
Kirk Russel Marsh 10036 Glenmere Road Fairfax, VA 22032 kirkrussel@gmail.com *Respondent*	☐ Hand-delivered ☐ U.S. Mail ☐ Fax ☒ E-Mail ☒ Electronic Service via MyCase

/s/ Mickala Mahaffey

Exhibit 1

24363.25

CONSTABLE'S
PROOF OF SERVICE

LAUREN R MARSH

CASE: 184701031

VS

KIRK RUSSELL MARSH

Court Date: 3/17/25

PROCESS: ORDER TO ATTEND HEARIING / MOTION TO ENFORCE ORDER AND FOR SANCTIONS / DECLARATION OF LAUREN MARSH IN SUPPORT OF MOTION TO ENFORCE ORDER AND FOR SANCTIONS / RULE 1006 SUMMARY OF EXHIBITS FOR DECLARATION OF LAUREN MARSH ZIMMER IN SUPPORT OF MOTION / EX 1-18 / LETTER REQUESTING MEDIATION

THE UNDERSIGNED PERSON HEREBY CERTIFIES:

1) I served this process in the manner indicated below.
2) I was at the time of this service a duly qualified and acting peace officer or a person over the age of 18 years.
3) I am not a party to this action.
4) I endorsed the date, and printed my name as rquired by UCA 17-25-6.

I served: KIRK RUSSELL MARSH

Date Served: 12/28/2024, AT 10:24 HOURS

Address of Service: 1158 E 700 S , PROVO

(X) I left a copy of the process at the dwelling house or usual place of abode of KIRK RUSSELL MARSH with "JARED" WHO ONLY PROVIDED A FIRST NAME.*

a person of suitable age and discretion there residing

ALSO TRIED:

Pursuant to 78b-5-705: I certify under criminal penalty of the State of Utah that the foregoing is true and correct.

Service $20.00

Mileage $15.00

12/28/2024

/s/ ANTHONY FERNLUND, LPI #G100957

Utah County Constable

TOTAL $ $35.00

PAID $

FERNLUND PROCESS SERVICE LLC 95 WEST 100 SOUTH #963 PROVO UT 84603 801 374 8018

*SUMMARY "JARED" ANSWERED THE DOOR, STATED TO THE EFFECT THAT HE IS NOT KIRK RUSSELL MARSH. WHEN PRESSED HE MADE A COUPLE PHONE CALLS IN MY PRESENCE THEN STATED HE WOULD ACCEPT SERVICE.

24363.25

HANSON KL

Exhibit 2

From: Lesley Johnson
To: Mickala Mahaffey
Subject: FW: Lauren Zimmer Mediation
Date: Tuesday, December 31, 2024 1:17:07 PM

From: Russel <kirkrussel@gmail.com>
Sent: Tuesday, December 31, 2024 11:14 AM
To: Kristy Hanson <kristy@mhmlawoffices.com>; Lesley Johnson <lesley@mhmlawoffices.com>
Subject: Lauren Zimmer Mediation

Ms. Hanson,

I received your request for mediation, however, as Lauren is well aware, I do not have funds to pay for mediation. I will agree to mediation should Lauren agree to pay for the entire cost.

Russ Marsh

Exhibit 3

From: Mickala Mahaffey
To: "kirkrussel@gmail.com"
Cc: Miranda Foote; Lesley Johnson; Kristy Hanson
Subject: Marsh v. Marsh, Case No. 184701031
Date: Monday, January 13, 2025 11:32:00 AM
Attachments: image001.png

Mr. Marsh,

Based on your email to our office on December 31, 2024 indicating that you were in receipt of our letter requesting mediation, we believe that you have been properly served with the following documents:

a. Order to Attend Hearing
b. Motion to Enforce Order and for Sanctions
c. Declaration of Lauren Marsh Zimmer in Support of Motion to Enforce Order and for Sanctions
d. Rule 1006 Summary of Exhibits for Declaration of Lauren Marsh Zimmer in Support of Motion to Enforce
e. Exhibits 1-18
f. Letter Requesting Mediation

We understand that your cousin, Jared Kulbeth accepted service from Constable Fernlund on your behalf on December 28, 2024 for the above documents. We understand the consequences and sanctions associated with a Motion to Enforce. Therefore, in an abundance of caution and in addition to the previous and proper service by Constable Fernlund, we are emailing you the service packet including the documents above.

MICKALA MAHAFFEY

MACARTHUR HEDER & METLER
4844 North 300 West, Suite 300
Provo, UT 84604
P: 801-377-1900
F: 801-377-1901
mhmlawoffices.com

CONFIDENTIALITY NOTE:
This email message may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by reply email, by forwarding this to mmahaffey@mhmlawoffices.com or by telephone at 801-377-1900 and destroy the original transmission and its attachments without reading or saving in any manner.